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Amended paper summarizing and clarifying claimed subject matter

related to a

Brief on Appeal – Provided per instructions in Notification of Non-

Compliant Brief

IN THE UNITED STATES PATENT OFFICE

In re application of David Huddleston
Pub.No. US 2005/0161352 A1
Serial No. 10/765,501
Filed 1/26/2004
"Flared Opening Drawstring closure Cell
Phone Carrier"

Before the Board of Appeals
On Appeal

This document and enclosures will be sent by Express Mail on Friday 5/9/2008.

Hon. Commissioner of Patents,
Washington, D.C.

Sir,

This transmittal is regarding application Serial No. 10/765,501 Filed 1/26/2004, by David E. Huddleston. It is being provided per the instructions given in the Notification of Non-Compliant Brief mailed on 4/9/08. This transmittal is an amendment to the paper provided by the applicant on 2/26/08. This amended paper provides the required concise summary of claimed subject matter, etc. as required under 37CFR 41.37(c)(1)(v). In addition, a clean copy of the active claims if provided.

Respectfully,
David E. Huddleston
President, IMHUDCO, LLC

(i) Real party in interest

The real party in interest is IMHUDCO, LLC. Patent application 10/765,501 was assigned to IMHUDCO, LLC. David E. Huddleston is the president of IMHUDCO, LLC, and he is herein writing on behalf of IMHUDCO, LLC.

(ii) Summary of claimed subject matter

Applicant's invention is a cell phone carrier designed to be appropriate and fashionable in multiple social settings and situations, which will be comfortable and convenient to use and carry, and which will be low cost to produce. This cell phone carrier design also facilitates easy imprinting of indicia, which coupled with the low cost of production will readily enable usage as an advertising vehicle in large scale promotions.

There are two basic embodiments of the invention claimed, along with variations of each embodiment. The first embodiment is illustrated in Figure 1 of the application, which shows a cell phone carrier designed for convenience of removal and insertion of the cell phone, for convenience of carrying, and due to the ease and economy of manufacture is well-suited as an advertising medium. The key features of this embodiment are contained in Claim 1, and are comprised of a functionally appropriate shape, and attached handles for quick opening of the cell phone carrier.

Figures 2A through 2I illustrate a typical manufacturing process of the first basic embodiment of the invention, whereby the result is a cell phone carrier which is symmetrical about its vertical axis. The detailed description of the manufacturing process of the symmetric first basic embodiment is given in paragraphs [0049] through [0058] on page 4 of the specification. Figures 3A through 3I illustrate a typical manufacturing process of a variation of the first basic embodiment of the invention, whereby the result is a cell phone carrier which is not symmetrical about its vertical axis. The detailed description of the manufacturing process of the non-symmetric first basic embodiment is given in paragraphs [0059] through [0069] on pages 4 and 5 of the specification.

Claim 1 pertains to the above two basic embodiments of the invention. A summary of Claim 1 follows.

Claim 1 a. is comprised of a bag assembled from flexible material, said bag being illustrated as item 5 in Figures 1, 2H and 2I. Another embodiment of the bag referenced in Claim 1 a. is illustrated as item 13 in Figures 3H and 3I. The means to assemble the bag of 1 a. are described in detail in paragraphs [0049] through [0058] on page 4 of the specification, and in paragraphs [0059] through [0069] on pages 4 and 5 of the specification. Paragraph [0058] on page 4 of the specification and paragraph [0069] on page 5 of the specification also detail claimed variations in the assembly process of the bag of 1 a.. The function of the bag of 1 a. is described in detail in paragraphs [0040], [0048], [0056] and [0057] on page 4 of the specification, and in paragraphs [0067] and [0068] on page 5 of the specification.

Claim 1 b. is comprised of a drawstring closure mated with the mouth of the bag. The drawstring is illustrated as item 51 in Figures 2D through 2I, and item 51 in Figures 3D through 3I. The means to employ the drawstring closure of 1 b. in combination with the

bag of 1 a. is described in detail in paragraphs [0052] through [0057] on page 4 of the specification, and in paragraphs [0063] through [0068] on page 5 of the specification. The function of the drawstring closure of 1 b. is described in detail in paragraphs [0040], [0048], [0056] and [0057] on page 4 of the specification, and in paragraphs [0067] through [0068] on page 5 of the specification.

Claim 1 c. is comprised of a means to mate the drawstring closure of 1 b. to the opening of the bag of 1 a.. This mating means is illustrated by items 209 and 211 in Figure 2D, by items 301 and 303 in Figure 2E, by item 219 in Figure 3D, and by items 219 and 311 in Figure 3E. The means to employ the mating means of 1 c. in combination with the bag of 1 a. and the drawstring means of 1 b. are described in detail in paragraphs [0052] and [0053] on page 4 of the specification, and in paragraphs [0063] and [0064] on page 5 of the specification. The function of the mating means of 1 c. is described in detail in paragraphs [0040], [0048], [0056] and [0057] on page 4 of the specification, and in paragraphs [0067] and [0068] on page 5 of the specification.

Claim 1 d. is comprised of one or more handles attached near the edge of the opening of the bag of 1 a. Said handle is illustrated as item 62 in Figure 1 and as item 62 in Figure 5. The means plus function to employ the handle of 1 d. in combination with the bag of 1 a., the drawstring closure of 1 b. and the mating means of 1 c. are described in detail in paragraph [0040] on page 4 of the specification.

Claim 3 is a dependent claim of Claim 1, wherein the basic cell phone carrier is embellished with indicia, and which is illustrated as item 63 in Figure 1. The means plus function of Claim 3 is described in paragraph [0042] on page 4 of the specification.

Claim 4 is a dependent claim of Claim 1, wherein the cell phone carrier is employed to carry other small electronic devices, and which is illustrated by item 61 in Figure 1 and item 61 in Figure 5. It is clear that the cell phone carrier embodiments of the invention can be readily used to carry electronic devices of a similar size and weight as a cell phone. Paragraphs [0039] on page 3 of the specification, paragraphs [0048], [0056] and [0057] on page 4 of the specification, and paragraphs [0057] and [0058] on page 5 of the specification describe the function of the cell phone carrier as used to carry small electronic devices.

Claim 5 is a dependent claim of Claim 1, wherein an attaching means is affixed to the end of the drawstring means, such as to allow attaching the cell phone carrier to clothing or a belt. The attaching means is illustrated as item 53 in Figures 1, 2 I, 3I and 5. The means plus function of the attaching means of Claim 3 is described in detail in paragraph [0056] on page 4 of the specification and in paragraph [0067] on page 5 of the specification.

Claim 7 is a dependent claim of Claim 1, wherein a badge holder is attached to the outside of the cell phone carrier, and which is illustrated as item 65 in Figure 5. The means plus function of the badge holder of Claim 7 is described in detail in paragraph [0082] on page 5 of the specification.

The second basic embodiment closely resembles the first, with the exception that the flared opening of the cell phone holder is achieved by using a stretchable material for the

cell phone holder, thus achieving the functionally necessary flared opening to the cell phone carrier by stretching the opening of the carrier. A typical manufacturing process of this embodiment is illustrated in figures 4A through 4K. The detailed description of the manufacturing process of the second basic embodiment is given in paragraphs [0070] through [0081] on page 5 of the specification.

Claim 11 pertains to the second basic embodiment of the cell phone carrier. A summary of Claim 11 follows.

Claim 11 a. is comprised of a bag of flexible and stretchable material, said bag being illustrated as item 23 in Figures 4H, 4I, 4J and 4K. The means to assemble the bag of 1 a. are described in detail in paragraphs [0070] through [0080] on page 5 of the specification. The function of the bag of 11 a. is described in paragraphs [0040] and [0048] on page 4 of the specification and in paragraph [0080] on page 5 of the specification.

Claim 11 b. is comprised of a means to mate the stiff wire-like means of 11 c. to the opening of bag 11 a.. This mating means is illustrated as item 229 in Figures 4D and 4E. The means to employ the mating means of 11 b. in combination with the bag of 11 a. are described in detail in paragraphs [0074] and [0075] on page 5 of the specification. The function of the mating means of 11 b. is described in paragraphs [0040] and [0048] on page 4 of the specification and in paragraph [0080] on page 5 of the specification.

Claim 11 c. is comprised of a stiff wire-like means to shape and support the mouth of the bag when it is open, said stiff-wire like means being illustrated as item 55 in Figures 4D through 4K. The means to employ the stiff wire-like means of 11 c. in combination with the bag of 11 a. and the mating means of 11 b. is described in detail in paragraphs [0074] through [0080] on page 5 of the specification. The function of the stiff wire-like means of 11 c. is described in paragraphs [0040] and [0048] on page 4 of the specification and in paragraph [0080] on page 5 of the specification.

Claim 11 d. is comprised of a clasping means which is attached to the edge of the opening of the bag of 11 a. and encircles and rides along the stiff wire-like means, said clasping means being illustrated as item 57 in Figures 4H through 4K. The means to employ the clasping means of 11d. in combination with the bag of 11 a., the mating means of 11 b. and the stiff wire-like means of 11 c. are described in detail in paragraphs [0078] through [0080] on page 5 of the specification. The function of the clasping means of 11 d. is described in paragraphs [0040] and [0048] on page 4 of the specification and in paragraph [0080] on page 5 of the specification.

Claim 13 is a dependent claim of Claim 11, wherein the basic cell phone carrier is embellished with indicia, and which is illustrated as item 63 in Figure 1. The means plus function of Claim 13 is described in paragraph [0042] on page 4 of the specification.

Claim 14 is a dependent claim of Claim 11, wherein the cell phone carrier is employed to carry other small electronic devices, and which is illustrated by item 61 in Figures 1 and 5. It is clear that the cell phone carrier embodiments of the invention can be readily used to carry electronic devices of a similar size and weight as a cell phone. Paragraph [0039] on page 3 of the specification, paragraph [0048] on page 4 of the specification, and paragraph [0080] on page 5 of the specification describes the means plus function of the cell phone carrier as used to carry small electronic devices.

Claim 15 is a dependent claim of Claim 11, wherein an attaching means is affixed to the end of the drawstring means, such as to allow attaching the cell phone carrier to clothing or a belt. The attaching means is illustrated as item 53 in Figures 1, 4J, 4K and 5. The means plus function of the attaching means of Claim 3 is described in detail in paragraph [0056] on page 4 of the specification and in paragraphs [0067] and [0080] on page 5 of the specification.

Claim 17 is a dependent claim of Claim 11, wherein a badge holder is attached to the outside of the cell phone carrier, and which is illustrated as item 65 in Figure 5. The means plus function of the badge holder of Claim 7 is described in detail in paragraph [0082] on page 5 of the specification.

(iii) Claims

1. A cell phone carrier comprising:
 - a. A suitably sized bag, which is of flexible material, and which is assembled from one or more panels of material into a single unit , and which has a flared opening when the bag is fully opened,
 - b. A means to serve as a drawstring for closing the bag of 1.a.,
 - c. A means to mate a drawstring with the edge of the opening of the bag of 1.a., either continuously or at discrete points along the circumference of the opening of the bag ,
 - d. One or more handles attached at or near the edge of the opening of the bag 1.a., and which are positioned to facilitate quick opening of the bag of 1.a.,
3. A carrier as in claim 1 which has been embellished with indicia,
4. A carrier as in claim 1 which is adapted to carry eyeglasses or sunglasses, or small electronic items including calculators, palmtop or handheld computers, personal organizers and contact managers,
5. A carrier as in claim 1 which has an attaching means affixed to the end of the drawstring means, which enables the user to attach the carrier to their clothing, or to a belt or belt loop,
7. A carrier as in claim 1 which also incorporates an external identification card holder, and which permits the identification card to be kept visible,
11. A cell phone carrier comprising:
 - a. A suitably sized bag of flexible and stretchable material, which is assembled from one or more panels of material into a single unit ,

- b. A means to mate a stiff wire-like means with the edge of the opening of the bag, either continuously or at discrete points along the circumference of the opening ,
- c. A stiff wire-like means to be mated with the edge of the opening of the bag and which will shape the mouth of the bag while it is open,
- d. A clasping means assembled onto the stiff wire-like means, and also attached to the carrier bag at the edge of the opening of the bag, such that the bag can be opened by pulling the clasping means along the stiff wire-like means and then engaging the clasping means to maintain a flared shape to the opening ,

13. A carrier as in claim 11 which has been embellished with indicia,

14. A carrier as in claim 11 which is adapted to carry eyeglasses or sunglasses, or small electronic items including calculators, palmtop or handheld computers, personal organizers and contact managers,

15. A carrier as in claim 11 which has an attaching means affixed to the end of the stiff wire-like means, which enables the user to attach the carrier to their clothing, or to a belt or belt loop,

16. A carrier as in claim 11 which also incorporates one or more handles attached at or near the edge of the opening of the bag, and which are positioned to facilitate quick opening of the bag,

17. A carrier as in claim 11 which also incorporates an external identification card holder, and which permits the identification card to be kept visible,